



Development Services Department

February 15, 2011

KB Home Coastal Inc
Attn: Donald Povieng
36310 Inland Valley Drive
Wildomar, CA 92595

Subject: PCC-11-002, OR VLG 2 R-5, Temporary Model Home Sales Office
APN 644-311-04, 07


Dear Mr. Povieng:

On February 14, 2011, the Zoning Administrator considered and approved the above referenced application. Attached please find the Notice of Decision documenting the Zoning Administrator's action and listing the conditions of approval. Please note Condition I.1 that requires you to sign and return one copy of the notice to acknowledge your acceptance of the conditions of approval.

You have the right to appeal any conditions of approval to the City Council. This office must receive a completed appeal form, along with a deposit amount of \$7,004.00 within 10 days of the date of this letter. Forms are available from the Development Services Department. In the absence of said appeal, the decision of the Zoning Administrator's is final.

If you have any questions or concerns about this matter, please call me at (619) 409-5883.

Sincerely,


Caroline Young
Planning Division
Assistant Planner

Attachment: Notice of Decision

cc: Zoning Administrator
Tim Seaman (e-mail)



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: February 14, 2011
Applicant: KB Home Coastal, Inc.
Case No.: PCC-11-002
Address: OR VLG 2 R-5A, Corner of Pershing Road and Santa Christina Avenue (Lot 48)
Project Planner: Caroline Young

Notice is hereby given that on February 14, 2011, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-11-002, filed by KB Homes Coastal, Inc., ("Applicant"). The Applicant requests a CUP to establish a temporary sales office in an existing garage for the model homes. The Project is located at the corner of Pershing Road and Santa Christina Avenue on Lot 48 ("Project Site") and is owned by KB Homes Coastal, Inc. ("Property Owner"). The Project Site is zoned Planned Community (PC) with a General Plan designation of Residential Low Medium (RLM). The Project is more specifically described as follows:

The Project includes a sales office in an existing garage for the Monterey Model Sales Office. Currently the adjacent site contains a temporary sales trailer that was previously approved on November 1, 2010. The existing site also includes an ADA accessible restroom available in a porta potty located adjacent to the sales trailer, temporary signage, and a parking lot for both sales offices to be used for the sale of the homes within the Otay Ranch Village 2 Neighborhood R5-A area.

The Project has been reviewed by Planning staff for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the project was adequately covered in the Final Environmental Impact Report (EIR 90-01) for Otay Ranch Village 2 SPA Plan and Subsequent Tentative Map. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code and the Otay Ranch Village 2 SPA Plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The temporary sales office trailer is desirable due to its close proximity to Santa Diana Road off Heritage Road. The temporary trailer will allow the applicant to

provide sales information to the general public regarding new homes for the Otay Ranch Planned Community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The project is conditioned to require the applicant to post a bond in the amount determined by the Zoning Administrator to be adequate to insure that the temporary features of the sales trailer and restroom facilities shall be removed at the completion of sale of all units. Thus, the sales trailer and temporary parking lot will not be detrimental to the health, safety or general welfare in that it will provide sufficient on-street parking, and handicapped accessibility during the sale of new homes.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

The conditional approval of PCC-11-002 requires continuing compliance with all conditions, codes and regulations, as applicable, prior to the final issuance of any permit or occupancy of any facility on the site for the proposed project.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan does not specifically address temporary type uses. Thus, the granting of this Conditional Use Permit is in substantial compliance with the Otay Ranch Village 2 SPA Plan and Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-002 as described above subject to the following conditions of approval:

- I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein,

and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Provide one (1) \$3,000 faithful performance bond to ensure conversion of the sales office prior to issuance of building permits. There is no specific format required for these bonds. When the sales office is removed, the applicant shall submit a letter to the Development Services Department requesting release of the bonds.

Fire Department

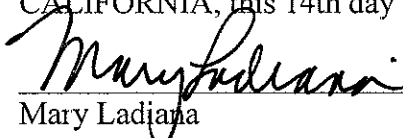
3. The following shall be completed or installed prior to occupancy of the model homes and sales office:
 - a) Street signs and address numbers;
 - b) One fire extinguisher per model home

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-11-002, date stamped on January 3, 2011, which includes a site plan, floor plan, and elevation plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.

4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 14th day of February 2011.



Mary Ladjana
Zoning Administrator